

REMARKS

This Amendment is submitted in response to the Office Action of July 3, 2006 (hereinafter "the Office Action"). Claims 1-14 are canceled; claims 15-20 remain pending, and new claims 21-32 are added by this Amendment.

All references to the claims, except as noted, will be made with reference to the claims as filed. Line numbers, except as noted, will be referenced by counting every printed line, except the page header, but including section headings. If there is any confusion or questions regarding any aspect of this Amendment, the Examiner is invited to contact the undersigned.

Amendments

Claims 1-14 are canceled without prejudice because they are withdrawn from consideration as a result of the restriction requirement in the Office Action of March 7, 2006. Applicants reserve the right to pursue a timely-filed divisional application on these claims.

Claims 15-20 were amended for consistency and readability.

New claims 21-27 correspond in general with claims 1-7 as originally filed, but were modified so that they depend from claim 15. New claims 28-32 correspond to claims 16-20, but are rewritten to depend from new claim 21.

No new matter is entered by this Amendment.

Claim Rejections

Claims 15-20 stand rejected under 35 U.S.C. § 103(a) for being unpatentable over U.S. Patent 6,658,625 issued to Paul V. Allen, hereinafter referred to as "Allen," in view of U.S. Patent 7,020,797 issued to Narendra Patil, hereinafter referred to as "Patil." Applicants respectfully traverse because the prior art fails to teach or suggest each and every feature set forth in the claims, and because the prior art lacked motivation to combine and/or modify the references as proposed by the Examiner.

For obviousness under 35 U.S.C. § 103(a), each and every limitation must be taught or suggested by the prior art reference, or references when combined or modified (MPEP 2143).

The Office Action characterizes Allen as "disclos[ing] a system for generating an extensible markup language (XML) test result file. Applicants respectfully disagree. As understood by the undersigned, Allen is directed to a system for converting data from one

format to another in accordance with a data description file formatted in XML. Referring to Figure 2, the “program call markup language” (PCML) Data Description file 124, which is formatted in XML format, is parsed according to PCML document type definition (DTD) file 230 by XML Parser Classes 125 (col. 11, lines 41-44). The XML Parser classes creates an internal representation of the PCML data description file, such as a data tree representation (col. 11, lines 46-52). This output object is then used for converting and parsing data received from server program 195 (col. 11 line 66 to col. 12, line 4). For faster processing, an enhancement provides that information extracted from the data tree be placed in a hash table (a JAVA object) which is then serialized to form PCML Serialized file 220 (col. 12, lines 7-15). This file can then be accessed directly, without the need to parse PCML Data Description file 124 (col. 12, lines 23-27). Allen does *not* teach a system for generating an XML test result file.

1. The references do not teach or suggest an XML reporter object that receives test result data from an application program.

Claim 15 is the only pending independent claim, and sets forth an XML reporter object that “receives . . . test result data from [an] application program, and . . . processes the test result data to generate an XML based string . . . wherein the XML reporter inserts the XML based string into the XML test results file.”

With respect to claim 15, the Office Action states:

“Allen discloses a system for generating an extensible markup language test result file, comprising an application program that includes application testing instructions, the application testing instructions capable of generating test result data; an XML reporter object in communication with the application program, wherein the XML reporter object receives the test result data from the application program (Figures 3A, 3B and 4A-2, column 13 lines 27-35, Allen), and wherein the XML reporter object processes the test result data to generate an XML based string; and an XML test results file in communication with the XML reporter object, wherein the XML reporter inserts the XML based string into the XML test results file (column 13 lines 35 – 44, Allen)”

(Office Action, page 3, line 21 to page 4, line 5). Applicants respectfully disagree.

After careful review of Allen, Applicants could not find any mention, *inter alia*, of (1) receiving test result data, (2) generating an XML based string, or (3) inserting the XML based string into an XML test results file as are asserted in the Office Action (as quoted above). Furthermore, Patil does not overcome the deficiencies of Allen.

Patil is directed to a software testing management system. While Applicants agree that Patil suggests generating an “HTML/XML” summary report if there are no new test failures

(col. 10, line 17-18), Patil does not teach “an XML reporter object in communication with the application program, wherein the XML reporter object receives the test result data from the application program, and wherein the XML reporter object processes the test result data to generate an XML based string” nor does Patil teach or suggest “an XML test results file accessible by the XML reporter object, wherein the XML reporter object inserts the XML based string into the XML test results file” as set forth in claim 15, lines 5-9.

Since neither Allen nor Patil set forth each and every element set forth in claim 15, Applicants respectfully submit that claim 15 should be allowed over the prior art of record. Furthermore, claims 16-32, which depend from claim 15, should be allowed for at least the same reasons as claim 15 discussed above, and further because each sets forth additional subject matter further distinguishing the invention from the prior art. For example, neither Allen nor Patil teach or suggest an XML reporter object as set forth in claim 15, wherein “the XML based string includes a first beginning tag and a first ending tag based on the key parameter, and wherein the first string includes the value parameter positioned between the first beginning tag and the first ending tag” and wherein “the XML test results file has a second beginning tag and a second ending tag, the first string being inserted between the second beginning tag and a second ending tag” as set forth in claim 21.

2. The prior art lacks motivation to combine Allen and Patil

With regard to the rejection under 35 U.S.C. § 103(a), Applicants respectfully submit that the prior art lacked motivation to combine the references as suggested in the Office Action. The Office Action suggests that “[i]t would have been obvious . . . to combine the teachings of cited references because *the two inventions are directed to testing data and conversions in an XML environment.*” (Office Action, page 4, lines 9-11). Applicants respectfully disagree. Specifically, while Allen is directed to data conversion, it is not directed to testing, and while Patil is directed to a test management system, it is not directed to data converting. Furthermore, neither of the systems described by Allen nor Patil are “in an XML environment” inasmuch as that suggests they are directed to XML file structures. In actuality, Applicants submit that XML is only a peripheral concern for either reference as Allen teaches providing data converting instructions in an XML format, which is only ever read, and Patil suggests generating an “HTML/XML” summary when there are no new test failures.

The Office Action additionally suggests that the combination of Allen and Patil is proper because “the testing data of Patil would make the functioning of Allen’s system more

reliable as there would be no real data lost in case of a system failure because of the use of test data (column 9, lines 7-21, Patil). Applicants again respectfully disagree. At the indicated portion of Patil, it is only suggested that a specific computer having a problem such as a crash or other failure is removed from a lookup service which assigns tasks to multiple computers. Since Allen is directed to a data conversion task for which only one computer is necessary, it is hard to understand how Patil's fail-over mechanism is relevant.

For these reasons and others, Applicants respectfully submit that the rejections made under 35 U.S.C. § 103(a) lack requisite *prima facie* obviousness, and should therefore be withdrawn. Applicants therefore respectfully submit that this application is now in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6933. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP040). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'Leonard Heyman', with a long horizontal flourish extending to the right.

Leonard Heyman
Reg. No. 40, 418

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Facsimile: (408) 749-6901
Customer Number 32291